

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gregory C. Krug,)	C/A No.: 1:14-1829-DCN-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Victor Loranth, in his individual)	
capacity,)	
)	
Defendant.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights, pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971).¹ Defendant filed a motion to dismiss, or in the alternative, for summary judgment (“Defendant’s motion”) on August 25, 2014. [ECF No. 20]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on August 26, 2014, advising him of the importance of Defendant’s motion and of the need for him to file an adequate response. [ECF No. 21]. Plaintiff was specifically advised that if he failed to respond adequately, Defendant’s motion may be granted. *Id.* On September 22, 2014, the undersigned extended Plaintiff’s deadline, granting Plaintiff until October 29, 2014, to respond to Defendant’s motion. [ECF No. 26].

¹ *Bivens* is the case establishing, as a general proposition, that victims of a constitutional violation perpetuated by a federal actor may sue the offender for damages in federal court despite the absence of explicit statutory authorization for such suits.” *Carlson v. Green*, 446 U.S. 14, 18 (1980); *see also Holly v. Scott*, 434 F.3d 287, 289 (4th Cir. 2006).

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to properly respond to Defendant's motion. As such, it appears to the court that he does not oppose Defendant's motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's motion by November 13, 2014. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



October 30, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge